

John Wiley & Sons, Inc. v. DRK Photo

Case No. 1:11-cv-05454 (KPF)

**Supplemental Declaration
of Robert Penchina**

In Support of Motion for Summary Judgment

Exhibit N

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JOHN WILEY & SONS, INC.,)	
)	
Plaintiffs,)	
)	Civil Action
vs.)	No.: 11 CV 5454 (GBD)
)	
DRK PHOTO,)	
)	
Defendants.)	

ORIGINAL

DEPOSITION OF DR. MICHAEL P. COLLIER

Flagstaff, Arizona
March 18, 2013
10:00 a.m.

Prepared by:
Vicki L. O'Ceallaigh Champion, CRR, RPR
Certificate No. 50534

Prepared for:

THE COURT

1 asking you questions, which, if you are able to, we would
2 like you to answer.

3 Do you understand that that is what is taking place
4 today?

5 A. Yes.

6 Q. Is there any reason such as medication or anything
7 else that would make it difficult for you to testify
8 truthfully and fully today?

9 A. No.

10 Q. Have you ever been a party to a lawsuit?

11 A. No. I'm racking my memory, and I can't ever
12 remember bringing a lawsuit.

13 Q. Has anyone ever brought a lawsuit against you?

14 A. No. As a physician, once in 1986, there was an
15 issue that came up that was resolved without even my
16 knowledge, and that was as close as I came to a medical
17 lawsuit. Certainly, never anything in publishing.

18 Q. Did you do anything to prepare for the deposition
19 today?

20 A. I received a phone call from Dan Krasemann about
21 two, two and a half weeks ago telling me that I might be
22 subpoenaed. That was my first contact with Mr. Krasemann in
23 years. I expressed surprise, and he invited me to talk to
24 his lawyers, Maurice Harmon called me last week and asked me
25 to -- or tried to explain to me what his understanding of the

1 case was.

2 I explained to Mr. Harmon that I was not interested
3 in being represented by Harmon, and I explicitly told Harmon
4 and DRK that I had no interest in being part of any lawsuits
5 that they chose to bring against publishers from this point
6 on. I did review what contracts I had signed or
7 communications I had had since 1996 with DRK, and I have
8 brought those with me.

9 I sent DRK and Mr. Harmon an e-mail on the 15th
10 three days ago explaining to them my desire not to be part of
11 any of their future lawsuits and, to the extent possible, not
12 even to be involved in this one. You are smiling.

13 Q. Your reluctance to be involved in lawsuits is not
14 surprising.

15 So, as you sit here today, you are here on your own,
16 and you are not represented by counsel in connection with
17 this deposition?

18 A. I chose not to be.

19 Q. Are you familiar with DRK Photography?

20 A. Yes.

21 Q. What do you understand DRK Photography to be?

22 A. DRK is Dan Krasemann and his wife in Sedona,
23 Arizona. They are a stock agency, and as such, they hold
24 photographers' pictures, mine among many, and promote them,
25 try to find markets for them, bill for those uses. And my

1 everyone.

2 (WHEREUPON, the deposition was concluded at
3 12:31 a.m.)

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6 DR. MICHAEL COLLIER

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